

104TH CONGRESS
1ST SESSION

H. R. 1280

To establish guidelines for the designation of National Heritage Areas, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1995

Mr. HEFLEY (for himself and Mr. TORKILDSEN) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To establish guidelines for the designation of National
Heritage Areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Technical Assistance
5 Act of 1995”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) certain areas of the United States represent
9 the diversity of the national character through the
10 interaction of natural processes, distinctive land-

1 scapes, cultural traditions, and economic and social
2 forces that have combined to create a particular pat-
3 tern of human settlement and activity;

4 (2) in these areas, natural, historic, or cultural
5 resources, or some combination thereof, combine to
6 form a cohesive, nationally distinctive landscape aris-
7 ing from patterns of human activity shaped by geog-
8 raphy;

9 (3) these areas represent the national experi-
10 ence through the physical features that remain and
11 the traditions that have evolved in the areas;

12 (4) continued use and adaptive reuses of the
13 natural and cultural fabric within these areas by
14 people whose traditions helped to shape the land-
15 scapes enhance the significance of the areas; and

16 (5) the complexity and character of these areas
17 distinguish them and call for a distinctive system of
18 recognition and management.

19 **SEC. 3. STATEMENT OF PURPOSE.**

20 The purposes of this Act are—

21 (1) to recognize that the natural, historic, sce-
22 nic, and cultural resources and recreational opportu-
23 nities of the United States represent and are impor-
24 tant to the great and diverse character of the Na-
25 tion, and that these resources and opportunities

1 must be wisely managed so they may be passed on
2 to future generations;

3 (2) to recognize that combinations of such re-
4 sources and opportunities, as they are geographically
5 assembled and thematically related, form areas that
6 provide unique frameworks for understanding the
7 historical, cultural, and natural development of com-
8 munities and their surroundings;

9 (3) to encourage appropriate partnerships
10 among Federal agencies, State and local govern-
11 ments, nonprofit organizations, and the private sec-
12 tor, or combinations thereof, to conserve and man-
13 age those resources and opportunities;

14 (4) to encourage within these areas a broad
15 range of economic opportunities which enhance the
16 quality of life for present and future generations;

17 (5) to authorize the Secretary of the Interior to
18 provide technical assistance to State and local gov-
19 ernments and private nonprofit organizations, or
20 combinations thereof, to study and promote the po-
21 tential for conserving and interpreting these areas;
22 and

23 (6) to prescribe the process by which areas may
24 be designated as National Heritage Areas and the

1 standards according to which areas may be assessed
2 for eligibility for such designation.

3 **SEC. 4. DEFINITIONS.**

4 For purposes of this Act:

5 (1) COMPACT.—The term “compact” means a
6 compact described in section 6(a)(2).

7 (2) FEASIBILITY STUDY.—The term “feasibility
8 study” means a study described in section 6(a)(1).

9 (3) INDIAN TRIBE.—The term “Indian tribe”
10 means any Indian tribe, band, nation, pueblo, or
11 other organized group or community, including any
12 Alaska Native village or regional corporation as de-
13 fined in or established pursuant to the Alaska Na-
14 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
15 which is recognized as eligible for the special pro-
16 grams and services provided by the United States to
17 Indians because of their status as Indians.

18 (4) MANAGEMENT PLAN.—The term “manage-
19 ment plan” means a plan described in section
20 6(a)(3).

21 (5) NATIONAL HERITAGE AREA.—The term
22 “National Heritage Area” means a place designated
23 by the Congress where natural, cultural, and historic
24 resources combine to form a cohesive, nationally dis-
25 tinctive landscape arising from patterns of human

1 activity shaped by geography. These patterns make
2 National Heritage Areas representative of the na-
3 tional experience through the physical features that
4 remain and the traditions that have evolved in the
5 areas. Continued use of National Heritage areas by
6 people whose traditions helped to shape the land-
7 scapes enhances their significance.

8 (6) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (7) TECHNICAL ASSISTANCE.—The term “tech-
11 nical assistance” includes preparation of plans, com-
12 pacts, resource inventories, and feasibility studies
13 and professional guidance provided by the Secretary.

14 (8) UNIT OF GOVERNMENT.—The term “unit of
15 government” means the government of a State or
16 Commonwealth, a political subdivision of a State or
17 Commonwealth, or an Indian tribe.

18 **SEC. 5. NATIONAL HERITAGE AREAS PARTNERSHIP PRO-**
19 **GRAM.**

20 (a) ESTABLISHMENT.—In order to conserve nation-
21 ally distinctive natural, historic, scenic, and cultural re-
22 sources, and to provide opportunities for conservation,
23 education, and recreation through recognition of and as-
24 sistance to areas containing such resources, there is here-
25 by established within the Department of the Interior a Na-

1 tional Heritage Areas Partnership Program, which shall
2 assist the Secretary in carrying out this Act.

3 (b) GENERAL AUTHORITY OF SECRETARY.—In ac-
4 cordance with the purposes of this Act, the Secretary is
5 authorized—

6 (1) to evaluate, in accordance with the criteria
7 established in subsection (c), areas nominated under
8 this Act for designation as National Heritage Areas;
9 and

10 (2) to advise State and local governments, non-
11 profit organizations, and other appropriate entities
12 regarding suitable methods of recognizing and con-
13 serving thematically and geographically linked natu-
14 ral, historic, and cultural resources and recreational
15 opportunities.

16 (c) CRITERIA.—To be eligible for designation as a
17 National Heritage Area, an area shall meet each of the
18 following criteria:

19 (1) ASSEMBLAGE OF RESOURCES.—The area
20 shall be an assemblage of natural, historic, or cul-
21 tural resources that—

22 (A) together represent distinctive aspects
23 of American heritage worthy of recognition,
24 conservation, interpretation, and continuing
25 use; and

1 (B) are best managed as such an assem-
2 blage, through partnerships among public and
3 private entities.

4 (2) TRADITIONS, CUSTOMS, BELIEFS, OR
5 FOLKLIFE.—The area shall reflect traditions, cus-
6 toms, beliefs, or folklife, or some combination there-
7 of, that are a valuable part of the story of the Na-
8 tion.

9 (3) CONSERVATION OF NATURAL, CULTURAL,
10 OR HISTORIC FEATURES.—The area shall provide
11 outstanding opportunities to conserve natural, cul-
12 tural, or historic features, or some combination
13 thereof.

14 (4) RECREATIONAL AND EDUCATIONAL OPPOR-
15 TUNITIES.—The area shall provide outstanding rec-
16 reational and educational opportunities.

17 (5) THEMES AND INTEGRITY OF RESOURCES.—
18 The area shall have an identifiable theme or themes,
19 and resources important to the theme or themes
20 shall retain integrity capable of supporting interpre-
21 tation.

22 (6) SUPPORT.—Residents, nonprofit organiza-
23 tions, other private entities, and governments within
24 the proposed area shall demonstrate support for des-

1 ignation of the area and for management of the area
2 as appropriate for such designation.

3 (7) AGREEMENTS.—The principal organization
4 and units of government supporting the designation
5 shall be willing to commit to agreements to work in
6 partnership to implement the compact for the area.

7 (8) CONSISTENCY WITH ECONOMIC VIABIL-
8 ITY.—The compact shall be consistent with contin-
9 ued economic viability in the affected communities.

10 (9) CONSENT OF LOCAL GOVERNMENTS.—No
11 privately owned property shall be included within the
12 boundaries of the area unless the government of the
13 county, city, or town in which the property is located
14 agrees to be so included and submits notification of
15 such agreement to the Secretary.

16 (d) CONDITIONS FOR DESIGNATION.—An area may
17 be designated as a National Heritage Area only by an Act
18 of Congress. The Congress may designate an area as a
19 National Heritage Area only after each of the following
20 conditions is met:

21 (1) SUBMISSION OF STUDY, COMPACT, AND
22 STATEMENT OF APPROVAL TO SECRETARY.—An en-
23 tity requesting National Heritage Area designation
24 for the area submits to the Secretary—

25 (A) a feasibility study and compact; and

(B) a statement, from the Governor of each State in which the proposed National Heritage Area lies, that such Governor approves of the requested National Heritage Area designation.

(2) APPROVAL AND SUBMISSION BY SECRETARY.—The Secretary approves, pursuant to section 6(b), the compact referred to in paragraph (1) and submits the feasibility study for the area and the compact to the Congress together with any comments that the Secretary deems appropriate regarding a preferred action.

SEC. 6. FEASIBILITY STUDIES, COMPACTS, AND MANAGEMENT PLANS.

(a) CONTENTS AND REQUIREMENTS.—

(1) FEASIBILITY STUDIES.—Each feasibility study submitted under this Act shall include sufficient information to determine whether an area has the potential to meet the criteria referred to in section 5(c). Each such feasibility study shall be prepared with public participation. Each such feasibility study shall include, but need not be limited to, each of the following:

(A) A description of the natural, historic, and cultural resources and recreational opportu-

1 nities presented by the area, including an as-
2 sessment of the quality and degree of integrity
3 of, the availability of public access to, and the
4 themes represented by such resources and op-
5 portunities.

6 (B) An assessment of the interest of and
7 impact upon potential partners, units of govern-
8 ment, nonprofit organizations, and other private
9 entities, including property owners.

10 (C) A description of tentative boundaries
11 for a National Heritage Area proposed to be es-
12 tablished in the area.

13 (D) Identification of a possible manage-
14 ment entity for a National Heritage Area pro-
15 posed to be established in the area.

16 (2) COMPACTS.—

17 (A) IN GENERAL.—A compact submitted
18 under this Act shall include information relat-
19 ing to the objectives and management of an
20 area proposed for designation as a National
21 Heritage Area. Such information shall include,
22 but not be limited to, each of the following:

23 (i) A delineation of the boundaries of
24 the proposed National Heritage Area.

1 (ii) A discussion of the goals and ob-
2 jectives of the proposed National Heritage
3 Area, including an explanation of the ap-
4 proach, proposed by the partners referred
5 to in clause (iv), to conservation and inter-
6 pretation of resources.

7 (iii) An identification and description
8 of the management entity that will admin-
9 ister the proposed National Heritage Area.

10 (iv) A list of the initial partners to be
11 involved in developing and implementing
12 the management plan for the proposed Na-
13 tional Heritage Area, and a statement of
14 the financial commitment of the partners.

15 (v) A description of the role of the
16 State or States in which the proposed Na-
17 tional Heritage Area is located.

18 (B) PREPARATION OF AND ACTIONS
19 CALLED FOR IN COMPACT.—

20 (i) PREPARATION.—The compact shall
21 be prepared with public participation.

22 (ii) ACTIONS.—Actions called for in
23 the compact shall be likely to be initiated
24 within a reasonable time after designation
25 of the proposed National Heritage Area

1 and shall ensure effective implementation
2 of the State and local aspects of the com-
3 pact.

4 (3) MANAGEMENT PLANS.—A management
5 plan submitted under this Act for a National Herit-
6 age Area shall present comprehensive recommenda-
7 tions for the conservation, funding, management,
8 and development of the area. The plan shall be pre-
9 pared with public participation. The plan shall take
10 into consideration existing Federal, State, county,
11 and local plans and involve residents, public agen-
12 cies, and private organizations in the area. The plan
13 shall include a description of actions that units of
14 government and private organizations are rec-
15 ommended to take to protect the resources of the
16 area. The plan shall specify existing and potential
17 sources of funding for the conservation, manage-
18 ment, and development of the area. The plan also
19 shall include the following, as appropriate:

20 (A) An inventory of the resources con-
21 tained in the National Heritage Area, including
22 a list of property in the area that should be
23 conserved, restored, managed, developed, or
24 maintained because of the natural, cultural, or

1 historic significance of the property as it relates
2 to the themes of the area.

3 (B) A recommendation of policies for re-
4 source management that consider and detail the
5 application of appropriate land and water man-
6 agement techniques, including (but not limited
7 to) the development of intergovernmental coop-
8 erative agreements to manage the historical,
9 cultural, and natural resources and the rec-
10 reational opportunities of the area in a manner
11 consistent with the support of appropriate and
12 compatible economic viability.

13 (C) A program, including plans for res-
14 toration and construction, for implementation
15 of the management plan by the management
16 entity specified in the compact for the area and
17 specific commitments, for the first 5 years of
18 operation of the plan, by the partners identified
19 in the compact.

20 (D) An analysis of means by which Fed-
21 eral, State, and local programs may best be co-
22 ordinated to promote the purposes of this Act.

23 (E) An interpretive plan for the National
24 Heritage Area.

25 (b) APPROVAL AND DISAPPROVAL OF COMPACTS.—

1 (1) IN GENERAL.—The Secretary, in consulta-
2 tion with the Governors of each State in which the
3 relevant National Heritage Area, or proposed area,
4 is located, shall approve or disapprove every compact
5 submitted under this Act not later than 90 days
6 after receiving such compact.

7 (2) DISAPPROVAL AND REVISIONS.—If the Sec-
8 retary disapproves a compact submitted under this
9 Act, the Secretary shall advise the submitter, in
10 writing, of the reasons for the disapproval and shall
11 make recommendations for revisions of the compact.
12 The Secretary shall approve or disapprove a pro-
13 posed revision to such a compact within 90 days
14 after the date on which the revision is submitted to
15 the Secretary.

16 **SEC. 7. MANAGEMENT ENTITIES.**

17 (a) DUTIES OF MANAGEMENT ENTITY.—The man-
18 agement entity for a National Heritage Area shall do each
19 of the following:

20 (1) MANAGEMENT PLAN.—The management
21 entity shall develop and submit to the Secretary a
22 management plan not later than 3 years after the
23 date of the designation of the area as a National
24 Heritage Area.

1 (2) PRIORITIES.—The management entity shall
2 give priority to the implementation of actions, goals,
3 and policies set forth in the compact and manage-
4 ment plan for the area, including—

5 (A) assisting units of government, regional
6 planning organizations, and nonprofit organiza-
7 tions—

8 (i) in conserving the National Herit-
9 age Area;

10 (ii) in establishing and maintaining
11 interpretive exhibits in the area;

12 (iii) in developing recreational oppor-
13 tunities in the area;

14 (iv) in increasing public awareness of
15 and appreciation for the natural, historical,
16 and cultural resources of the area;

17 (v) in the restoration of historic build-
18 ings that are located within the boundaries
19 of the area and relate to the themes of the
20 area; and

21 (vi) in ensuring that clear, consistent,
22 and environmentally appropriate signs
23 identifying access points and sites of inter-
24 est are put in place throughout the area;
25 and

1 (B) consistent with the goals of the man-
2 agement plan, encouraging economic viability in
3 the affected communities by appropriate means.

4 (3) CONSIDERATION OF INTERESTS OF LOCAL
5 GROUPS.—The management entity shall, in develop-
6 ing and implementing the management plan for the
7 area, consider the interests of diverse units of gov-
8 ernment, businesses, private property owners, and
9 nonprofit groups within the geographic area.

10 (4) PUBLIC MEETINGS.—The management en-
11 tity shall conduct public meetings at least quarterly
12 regarding the implementation of the management
13 plan for the area.

14 (b) DISQUALIFICATION FOR FEDERAL FUNDING.—If
15 a management plan regarding a National Heritage Area
16 is not submitted to the Secretary as required under sub-
17 section (a)(1) within the time specified in such subsection,
18 the National Heritage Area shall cease to be eligible for
19 technical assistance under this Act until such a plan re-
20 garding the National Heritage Area is submitted to the
21 Secretary.

22 (c) PROHIBITION OF ACQUISITION OF REAL PROP-
23 ERTY.—A management entity for a National Heritage
24 Area may not use Federal funds received under this Act
25 to acquire real property or any interest in real property.

1 (d) DURATION OF ELIGIBILITY FOR TECHNICAL AS-
2 SISTANCE.—A management entity for a National Heritage
3 Area shall be eligible to receive technical assistance from
4 funds appropriated pursuant to this Act for a 13-year pe-
5 riod beginning on the day on which the National Heritage
6 Area is designated.

7 **SEC. 8. WITHDRAWAL OF DESIGNATION.**

8 (a) IN GENERAL.—The National Heritage Area des-
9 ignation of an area shall continue unless—

10 (1) the Secretary determines that—

11 (A) the National Heritage Area no longer
12 meets the criteria referred to in section 5(c);

13 (B) the parties to the compact approved in
14 relation to the area under section 6(b) are not
15 in compliance with the terms of the compact;

16 (C) the management entity of the area has
17 not made reasonable and appropriate progress
18 in developing or implementing the management
19 plan for the area; or

20 (D) the use, condition, or development of
21 the area is incompatible with the criteria re-
22 ferred to in section 5(c) or with the compact
23 approved in relation to the area under section
24 6(b); and

1 (2) after making a determination referred to in
2 paragraph (1), the Secretary submits to the Con-
3 gress notification that the National Heritage Area
4 designation of the area should be withdrawn.

5 (b) PUBLIC HEARING.—Before the Secretary makes
6 a determination referred to in subsection (a)(1) regarding
7 a National Heritage Area, the Secretary or a designee
8 shall hold a public hearing within the area.

9 (c) TIME OF WITHDRAWAL OF DESIGNATION.—

10 (1) IN GENERAL.—The withdrawal of the Na-
11 tional Heritage Area designation of an area shall be-
12 come final 90 legislative days after the Secretary
13 submits to the Congress the notification referred to
14 in subsection (a)(2) regarding the area.

15 (2) LEGISLATIVE DAY.—For purposes of this
16 subsection, the term “legislative day” means any
17 calendar day on which both Houses of the Congress
18 are in session.

19 **SEC. 9. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

20 (a) DUTIES AND AUTHORITIES OF SECRETARY.—

21 (1) TECHNICAL ASSISTANCE.—

22 (A) IN GENERAL.—The Secretary may
23 provide technical assistance to units of govern-
24 ment and private nonprofit organizations re-
25 garding feasibility studies and compacts and,

1 upon request of the management entity for the
2 relevant National Heritage Area, regarding
3 management plans and their implementation.

4 (B) PROHIBITION OF CERTAIN REQUIRE-
5 MENTS.—The Secretary may not, as a condition
6 of the award of technical assistance under this
7 section, require any recipient of such technical
8 assistance to enact or modify land use restric-
9 tions.

10 (2) DETERMINATIONS REGARDING ASSIST-
11 ANCE.—The Secretary shall decide which National
12 Heritage Areas shall be awarded technical assistance
13 and the amount of the assistance. Such decisions
14 shall be based on the relative degree to which each
15 National Heritage Area effectively fulfills the objec-
16 tives contained in the management plan for the area
17 and achieves the purposes of this Act. Such deci-
18 sions shall give consideration to projects which pro-
19 vide a greater leverage of Federal funds.

20 (3) OVERSIGHT OF HERITAGE AREAS WITH EX-
21 PIRED ELIGIBILITY.—The Secretary shall inves-
22 tigate, study, and monitor the welfare of all National
23 Heritage Areas whose eligibility for technical assist-
24 ance under this title has expired and shall report to

1 the Congress periodically regarding the condition of
2 such National Heritage Areas.

3 (4) PROVISION OF INFORMATION.—In coopera-
4 tion with other Federal agencies, the Secretary shall
5 provide the general public with information regard-
6 ing the location and character of National Heritage
7 Areas.

8 (b) DUTIES OF OTHER FEDERAL AGENCIES.—Any
9 Federal entity conducting any activity directly affecting
10 any National Heritage area shall consider the potential ef-
11 fect of the activity on the management plan for the area
12 and shall consult with the Governor of the State or Com-
13 monwealth containing the area with respect to the activity
14 to minimize the adverse effects of the activity on the area.

15 **SEC. 10. LACK OF EFFECT ON LAND USE REGULATION.**

16 (a) LACK OF EFFECT ON AUTHORITY OF GOVERN-
17 MENTS.—Nothing in this Act shall be construed to modify,
18 enlarge, or diminish any authority of Federal, State, or
19 local governments to regulate any use of land as provided
20 for by law or regulation.

21 (b) LACK OF ZONING OR LAND USE POWERS OF EN-
22 TITY.—Nothing in this Act shall be construed to grant
23 powers of zoning or land use to any management entity
24 for a National Heritage Area.

1 **SEC. 11. FISHING AND HUNTING SAVINGS CLAUSE.**

2 (a) NO DIMINISHMENT OF STATE AUTHORITY.—The
3 designation of a National Heritage Area shall not diminish
4 the authority of the affected State or Commonwealth to
5 manage fish and wildlife, including the regulation of fish-
6 ing and hunting within such Area.

7 (b) NO CONDITIONING OF APPROVAL AND ASSIST-
8 ANCE.— The Secretary may not make limitations on fish-
9 ing, hunting, or trapping a condition for the approval of
10 a compact or the determination of eligibility for technical
11 assistance under this Act, and neither the Secretary nor
12 any other Federal agency may make such limitations a
13 condition for the receipt, in connection with the National
14 Heritage Area status of an area, of any other form of as-
15 sistance from the Secretary or such agencies.

16 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is hereby authorized to be
18 appropriated for technical assistance pursuant to section
19 9(a), and the administration of such assistance, annually
20 not more than \$8,000,000, to remain available until ex-
21 pended.

22 (b) PERCENT OF COST.—Technical assistance under
23 this Act for a feasibility study, compact, or management
24 plan may not exceed 75 percent of the cost for such study,
25 compact, or plan.

1 (c) LIMITATION ON TOTAL FUNDING FOR EACH
2 AREA.—Not more than a total of \$1,000,000 may be
3 made available under this section to each National Herit-
4 age Area.

5 (d) LIMITATION ON ANNUAL FUNDING.—The
6 amount of Federal funding made available under this sec-
7 tion for a National Heritage Area for a fiscal year may
8 not exceed \$150,000.

9 **SEC. 13. EXPIRATION OF AUTHORITIES.**

10 The authorities contained in this Act shall expire on
11 September 30 of the 15th fiscal year beginning after the
12 date of the enactment of this Act.

13 **SEC. 14. REPORT.**

14 The Secretary shall submit to the Congress, every 5
15 years while the authorities contained in this Act remain
16 in force, a report on the status and accomplishments of
17 the National Heritage Areas Partnership Program as a
18 whole.

19 **SEC. 15. SAVINGS PROVISION.**

20 Nothing in this Act shall be construed to expand or
21 diminish any authorities contained in any law that des-
22 ignates an individual National Heritage Area or Corridor
23 before the date of the enactment of this Act.

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